

IN RE: DEVELOPMENT PLAN HEARING
End Ballston Road
W/S Bellona Avenue
9th Election District
4th Councilmanic District
(Kan Property)

Robert Kan
Developer/Petitioner

* BEFORE THE
* HEARING OFFICER
* OF BALTIMORE COUNTY
* Case Nos. IX-686 & 02-397-A

* * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, as a requested approval of a Development Plan and a Petition for Variance filed by Robert O. Kan, owner of the subject property. The property owner is requesting approval of a Development Plan, prepared by Hicks Engineering Co., Inc., proposing the resubdivision of Lot No. 3 into two single-family residential lots. By virtue of this resubdivision and creation of a fourth residential lot, the request is subject to the major subdivision process and this Hearing Officer's hearing. In addition to the approval of this Development Plan, the property owner is also requesting a variance to allow two existing accessory structures, a swimming pool and a shed to remain in the front and side yard in lieu of the required rear yard.

Appearing at the hearing on behalf of this request were Robert Kan, owner of the property, Sean Schmidt and Don Hicks, appearing on behalf of Hicks Engineering, the engineers who prepared the site plan of the property, Ted Pearson and C. William Clark, attorney at law, representing the Developer/Petitioner. Appearing as interested citizens in the matter were Peggy Squitieri, a representative of the Ruxton/Riderwood/Lake Roland Area Improvement Association (RRLRAIA), Ty Ford and Braxton Mitchell. As is usual and customary, representatives of the various Baltimore County reviewing agencies also attended the hearing; namely, John Alexander (Zoning Review), Bob Bowling (Development Plans Review) and Christine Rorke (Development Management), all from the Office of Permits & Development Management; R. Bruce Seeley from the Department of Environmental Protection and Resource Management (DEPRM); Lynn Lanham from the Planning Office; and Jan Cook from the Department of

COPIES RECEIVED FOR FILES
8/1/02
R. R. Rorke

Recreation & Parks.

As stated previously, the Developer is requesting permission to subdivide Lot No. 3 of a prior minor subdivision into two residential lots. This will in effect create a fourth residential lot, thereby subjecting this property owner to the major subdivision process. Dr. Robert Kan, the owner of the property, currently resides in the house located on Lot No. 3. He intends to sell that dwelling and construct a new dwelling on proposed Lot No. 4 wherein he intends to reside. Furthermore, the existing swimming pool and shed, which currently services the existing dwelling on Lot No. 3, will now be part and parcel of the newly created Lot No. 4. Once a house is constructed on Lot No. 4, the swimming pool and shed will be in the front yard of that lot in lieu of the rear yard. Therefore, in order to proceed with the plan as proposed the variance is necessary to allow the swimming pool and shed to remain where they have been situated for many years.

As to the history of the project, a Concept Plan Conference was held on August 20, 2001. A Community Input Meeting was held at the County Office Building on September 24, 2001 and a Development Plan Conference followed on April 24, 2002. A Hearing Officer's Hearing for this development was held on May 16, 2002 in Room 106 of the County Office Building.

At the Hearing Officer's Hearing held before me, I attempt to determine what, if any, issues or comments remain unresolved. Mr. Bruce Seeley, a representative of the DEPRM, indicated that his office needed additional time within which to review some information which had just been submitted by the Developer. Mr. Seeley requested, and the Developer agreed, to leave the record of the case open for additional time within which this information could be reviewed. Mr. Seeley requested that a new hearing date be scheduled, given that his office was unable to resolve an issue regarding a stream that traverses the property. A second hearing date was scheduled and the matter was heard on July 24, 2002.

At the new hearing date scheduled for this case, the Department of Environmental Protection and Resource Management (DEPRM) raised an issue as to the existence of what they believe to be a stream located on the southern end of the Petitioners' property, running adjacent

to the southern property line. Testifying on this issue was Mr. Brian Lindley, an employee of DEPRM. Mr. Lindley testified that his office carefully studied this area of the property and determined that a stream does exist in this area of the site. Mr. Lindley testified that during his site inspection to the property, he observed the existence of Jewell Weed in the bed of the stream in question. He further testified that Jewell Weed is classified as hydrophytic vegetation, which is a key factor in satisfying the definitional requirements of a stream channel. Furthermore, Mr. Lindley observed the existence of hydric soils along this streambed. Mr. Lindley also photographed water in the bed itself and concluded that the area in question is in fact a stream. Applying the definition of stream channel as contained within §14-336 of the Baltimore County Code, Mr. Lindley concluded that a stream does exist on this property.

The Petitioner strongly disagreed with the position taken by DEPRM. Mr. Sean Schmidt, testifying on behalf of the Petitioner, stated that the topographical feature in question is a drainage channel and not a stream, as that term is defined within the Baltimore County Code. Mr. Schmidt prepared and entered in evidence as Developer's Exhibit No. 2 an exhibit depicting the extensive storm drain system which was installed by the Department of Public Works for Baltimore County in the late 1950's. This storm drain system gathers surface drainage and storm water runoff from Bellona Avenue and those homes and properties located along Maywood Road and Carrollton Road and pipes this storm water drainage into a system of underground 27" in diameter storm drain pipes. After gathering surface water runoff from the surrounding neighborhood streets, the surface drainage is then discharged from a 3 ft. x 3 ft. concrete box drain located at the easternmost side of the Petitioner's property. At this point, the Department of Public Works chose not to continue with the underground piping of this storm water drainage. In lieu thereof, Public works excavated a drainage ditch to carry the storm water discharge accumulated from Bellona, Maywood and Carrollton Roads across the surface of the ground along the entire width of the Petitioner's property. On the other side of the Petitioner's property, that being the westernmost property line of the site, the storm water and surface drainage water is once again directed into an underground concrete pipe and is carried further away from the

Petitioner's property, eventually discharging into the Roland Run. It is this open drainage channel which is the issue in this case as to whether it should be classified as a stream or simply a drainage ditch or gully.

In addition to the exhibits entered into evidence by the Petitioner and the testimony both in support and in opposition to this issue, I also made a field inspection of the area of the Petitioner's property in order to better understand the testimony offered at the hearing and to visually inspect this topographical feature.

One of the key factors in determining whether this feature is a stream channel, is whether the base flow of water located in the channel itself is of groundwater origin. (See definition of stream channel at §14-336 of the Baltimore County Code. I am not at all persuaded by the testimony and evidence presented at the hearing, that the flow of water located within this drainage channel originates from groundwater. To the contrary, the testimony and evidence offered at the hearing causes me to conclude that any water that may exist within this drainage channel is nothing more than surface water runoff from upgradient properties which is collected through a series of drainage inlets. This surface drainage is then piped to the Petitioner's property by a system of underground concrete pipes. The exhibits submitted into evidence clearly show that the water which traverses the Petitioner's property exits and is discharged on site by virtue of a concrete conduit passing under the light rail line. That same water is once again picked up in a system of underground concrete pipes located on the western property line of the Petitioner's property. It is unclear why the Department of Public Works decided not to continue with the concrete piping of this surface water runoff across the Petitioner's property when it installed this underground storm drain system back in 1961. In my opinion, the piping should have been continued across the Kan property which would have eliminated this issue today.

In addition to relying on the testimony and evidence offered at the hearing, as well as the exhibits submitted, my personal site inspection of the Petitioner's property and my close inspection of the storm drain system located in the roadbed of Bellona Avenue, Maywood Road

and Carrollton Road was extremely helpful in reaching this conclusion. Of particular interest to me on this issue was the fact that this drainage ditch does not meander through the low point of the Petitioner's property. It is interesting to note that the low elevation of the Petitioner's property is situated approximately 80 ft. to the north of this drainage ditch. This drainage ditch was excavated on the side of a hill and not along the low elevation point of the Petitioner's property where one would assume a stream channel would naturally flow. As a consequence of Baltimore County excavating this drainage ditch on the side of the hill, any efforts to mitigate surface drainage that may flow into the drainage ditch from the Petitioner's property would be pointless. Any runoff generated from the Petitioner's property and other properties located to the north of this drainage ditch cannot find its way into the ditch itself. The surface drainage would have to flow uphill in order to enter the ditch, which is a factual impossibility.

Based on the testimony and evidence offered at the hearing, the exhibits submitted into evidence, and my personal visit to the property, I find that the southern area of the Petitioner's property contains nothing more than a drainage ditch and in no way should it be considered a stream as that term is defined within the Baltimore County Code. There was no evidence offered to demonstrate that the water entering the drainage channel was of groundwater origin.

One other issue was raised at the hearing which warranted the taking of testimony and evidence. Mr. Robert Bowling, appearing on behalf of the Department of Permits & Development Management, requested that a fire hydrant be installed at the termination point of Ballston Road. Mr. Bowling indicated that it is a requirement that a fire hydrant be located within 300 ft. of the new dwelling to be constructed on Lot No. 4. Testimony revealed that the house to be constructed on Lot No. 4 would be situated approximately 340 ft. from the fire hydrant located on Ruxway Road. Accordingly, Mr. Bowling has asked that a new fire hydrant be installed in the area of the T-turnaround at the terminus of Ballston Road.

Testimony offered by the Developer indicated their disagreement with the position of Permits and Development Management. Mr. Sean Schmidt, testifying on behalf of Hicks Engineering, indicated that a fire hydrant was proposed to be located there in the past. However,

the Fire Department indicated that it was not necessary to construct the fire hydrant in question. This occurred during the previous minor subdivision of this property. In addition, Mr. Schmidt pointed out that the comments submitted along with this Development Plan hearing from the Fire Department indicated that the Fire Department had no comments regarding this project. Mr. Schmidt testified that given the Fire Department's failure to require the installation of the fire hydrant in the past and their "no comment" in this particular application, then the installation of a fire hydrant is not warranted.

After considering the testimony and evidence offered by Developer, as well as Mr. Bowling, I find that the issue as to whether a fire hydrant should be installed in connection with the development of this property should be left to the discretion of the Fire Department. This is not an issue which warrants that the Development Plan be denied. I shall approve this Development Plan and require that the Baltimore County Fire Department revisit this issue and resolve whether a fire hydrant should be installed. This issue shall be left to their discretion.

There were no other issues raised at the hearing that warranted the taking of testimony and evidence. However, Ms. Peggy Squitieri, appearing on behalf of RRLRAIA, indicated that they did not oppose the subdivision of this property so long as the order approving same contains two restrictions which were discussed at the hearing. Dr. Kan, the owner of the property, had no opposition to the imposition of these conditions and restrictions. Accordingly, the Development Plan shall be approved subject to the conditions and restrictions imposed hereinafter.

In addition to the approval of the Development Plan, the Developer is also requesting a variance to allow the existing swimming pool and shed to remain where they have been situated for many years. This causes these accessory structures to be situated in the front yard of the new house to be constructed on Lot No. 4. In order to allow this situation to continue in the future, the variance request is necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition and Development Plan held, and after considering the testimony and evidence offered by the Developer/Petitioner, I find that the Developer/Petitioner's requests should be granted.

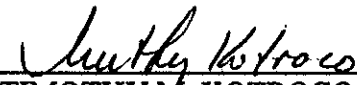
THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 7th day of August, 2002, that the Development Plan known as the "Kan Property", submitted into evidence as "Developer's Exhibit No. 1", be and is hereby APPROVED, subject to the following conditions and restrictions:

- 1) The Developer/Petitioner may apply for his permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be

required to return, and be responsible for returning, said property to its original condition.

- 2) The Developer/Petitioner and any future property owner shall be prohibited from connecting Ballston Road to Ruxton Road via the 12-ft. existing private driveway.
- 3) This Developer/Petitioner and any future owner of any lot within this subdivision shall be prohibited from any further subdivision of their property. These lots shall contain single-family residential dwellings only and shall not be subdivided in the future.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 7, 2002

C. William Clark, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue, Suite 700
Towson, Maryland 21204

RE: Hearing Officer's Hearing No. IX-686 & Case No. 02-397-A
Property: End Ballston Road, W/S Bellona Avenue
9th Election District, 4th Councilmanic District
Kan Property

Dear Mr. Clark:

Enclosed please find the decision rendered in the above-captioned case. The Development Plan and Petition for Variance have been approved in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits & Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Copies to:

Robert Kan
1728 Ruxton Road
Towson, MD 21204

Sean Schmidt
Don Hicks
Hicks Engineering
200 E. Joppa Road
Towson, MD 21286

Ted Pearson
714 St. Paul Street
Baltimore, MD 21202

Peggy Squitieri
c/o RRLRAIA
P. O. Box 204
Riderwood, MD 21139

Braxton Mitchell
1720 Ruxton Road
Towson, MD 21204

Arthur W. German
1718 Ruxton Road
Towson, MD 21204

Ty Ford
7801 Ruxway Road
Towson, MD 21204



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7814 BALLSTON ROAD

which is presently zoned D.R. 2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) ACCESSORY STRUCTURE

VARIANCE FROM B.C.Z.R. SECTION 400.1 TO ALLOW AN EXISTING POOL IN THE FRONT AND SIDE YARD IN LIEU OF THE REQUIRED REAR YARD, AND TO ALLOW AN ACCESSORY BUILDING (EXISTING SHED) IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: ^{DEK} (indicate hardship or practical difficulty)

THE CONFIGURATION OF THE PROPOSED LOT CANNOT ALLOW THE EXISTING POOL STRUCTURE TO BE LOCATED IN THE REAR YARD.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

C. WILLIAM CLARK

Name - Type or Print

Signature

NOLAN, PLUMHOFF & WILLIAMS

Company

502 WASHINGTON AVE., SUITE 700, 410-823-7800

Address

Telephone No.

TOWSON

MD

21204

City

State

Zip Code

Legal Owner(s):

ROBERT O. KAN

Name - Type or Print

Signature

Name - Type or Print

Signature

1728 RUXTON ROAD

410-296-1153

Address

Telephone No.

TOWSON

MD

21204

City

State

Zip Code

Representative to be Contacted:

HICKS ENGINEERING CO./ SEAN SCHMIDT

Name

200 E. JOPPA RD, SUITE 402

410-494-0001

Address

Telephone No.

TOWSON

MD

21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JNP

Date 3/18/02

Case No. 02-397-A

9/15/98

ORDER RECEIVED FOR FILING

Date

By

ZONING DESCRIPTION OF PROPOSED LOT #4 (7814 BALLSTON ROAD)
ROBERT O. KAN PROPERTY
NINTH ELECTION DISTRICT
BALTIMORE, MARYLAND

Beginning at a point on the West Side of the Mass Transit Administration R-O-W (P.O.B. as described below), 159.81' East of the centerline of Ballston Road which is 80' wide.

~~BEA~~ BEGINNING for the same at the end of the fourth or South 85 degrees 13 minutes 54 seconds East 350.14 foot line of a parcel of land that was granted and conveyed by George Kahl and June R. Kahl, his wife, to Robert O. Kan and Jean S. Kan, his wife, by deed dated June 13, 1979 and recorded among the Land Records of Baltimore County, Maryland in Liber 6037 at Folio 60, thence leaving said point and running with part of the fifth line of said conveyance,

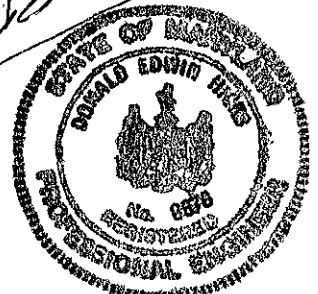
- 1) South 06 degrees 48 minutes 42 seconds West 230.00 feet to a point,
- 2) South 86 degrees 22 minutes 45 seconds West 112 feet to a point,
- 3) North 03 degrees 33 minutes 59 seconds West 25 feet to a point,
- 4) North 19 degrees 27 minutes 45 seconds West 87 feet to a point,
- 5) North 05 degrees 37 minutes 48 seconds West 75 feet to a point,
- 6) South 85 degrees 13 minutes 54 seconds East 20 feet to a point,
- 7) North ⁰⁴~~05~~ degrees ⁴⁶~~27~~ minutes ⁰⁶~~43~~ seconds East 40 feet to a point,
- 8) South 85 degrees 13 minutes 54 seconds East 119.81 feet to the point of beginning.

CONTAINING 28,749 square feet or 0.66 acres of land.

BEING part of that parcel of land which by Deed dated December 29, 1995 and recorded among the Land Records of Baltimore County in Liber 11376 Folio 740 was granted and conveyed by Robert O. Kan to Robert O. Kan.

HICKS ENGINEERING COMPANY, INC.
Civil Engineers/Land Surveyors
200 East Joppa Road, Suite 402
Towson, Maryland 21286
410-494-0001

Page 1 of 1



02-397-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **11282**

DATE 3/18/02 ACCOUNT R-001-006-6150

AMOUNT \$ 50.00

RECEIVED
FROM:

Hicks Engineering Co., Inc.

FOR:

7814 Ballston Road (Proposed Lot 4)

02-397-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
3/19/2002 3/18/2002 15:46:25

REG 4801 WALKER JRIC JNR DRAWER 1

RECEIPT # 005515 3/19/2002 OFLN

DEPT 5 520 ZONING VERIFICATION

CA NO. 011282

Receipt Tot \$50.00

50.00 CK .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

**Change of Date
NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-397-A
7814 Ballston Road
W/S MTA right-of-way,
159.81' E of Ballston Road
9th Election District
4th Councilmanic District
Legal Owner: Robert O. Kan
Variance: to allow an accessory structure (existing pool) in the front and side yards in lieu of the required rear yard, to allow an accessory building (existing shed) in the side yard in lieu of the required rear yard.
Hearing: Thursday, May 16, 2002 at 2:00 p.m. in Room 100, Baltimore County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

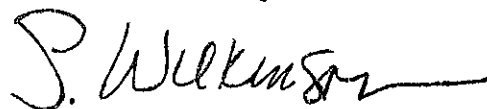
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
5/031 May 2 C635533

CERTIFICATE OF PUBLICATION

5/3/2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/2/2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News



LEGAL ADVERTISING

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 02-397-A

Petitioner: ROBERT O. KAN

Address or Location: ~~1728 Ruxton Road~~ 7814 BALLSTON RD. (Proposed Lot 4)

PLEASE FORWARD ADVERTISING BILL TO:

Name: ROBERT O. KAN

Address: 1728 RUXTON ROAD
TOWSON, MD 21204

Telephone Number: 410-296-1153

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 2, 2002 Issue – Jeffersonian

Please forward billing to:
Robert O Kan
1728 Ruxton Road
Towson MD 21204

410 296-1153

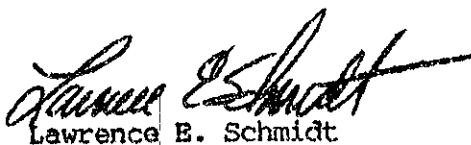
CHANGE OF DATE
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-397-A
7814 Ballston Road
W/S MTA right-of-way, 159.81' E of Ballston Road
9th Election District – 4th Councilmanic District
Legal Owner: Robert O Kan

Variance to allow an accessory structure (existing pool) in the front and side yards in lieu of the required rear yard, to allow an accessory building (existing shed) in the side yard in lieu of the required rear yard.

HEARING: Thursday, May 16, 2002 at ~~9:00 a.m.~~ ^{2:00 PM} in Room 106, Baltimore County Office Building, 111 W Chesapeake Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

April 15, 2002

CHANGE OF DATE
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-397-A
7814 Ballston Road
W/S MTA right-of-way, 159.81' E of Ballston Road
9th Election District – 4th Councilmanic District
Legal Owner: Robert O Kan

Variance to allow an accessory structure (existing pool) in the front and side yards in lieu of the required rear yard, to allow an accessory building (existing shed) in the side yard in lieu of the required rear yard.

HEARING: ^{2:00 PM} Thursday, May 16, 2002 at ~~9:00 a.m.~~ in Room 106, Baltimore County Office Building, 111 W Chesapeake Avenue

Arnold Jablon
Director

C: C. William Clark, Nolan Plunhoff & Williams, 502 Washington Ave, Ste 700,
Towson 21204
Robert O Kan, 1728 Ruxton Road, Towson 21204
Sean Schmidt, Hicks Engineering Co, 200 E Joppa Rd, Ste 401, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 1, 2002.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Thursday, May 9, 2002 Issue – Jeffersonian

Please forward billing to:
Robert O Kan
1728 Ruxton Road
Towson MD 21204

410 296-1153

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-397-A
7814 Ballston Road
W/S MTA right-of-way, 159.81' E of Ballston Road
9th Election District – 4th Councilmanic District
Legal Owner: Robert O Kan

Variance to allow an accessory structure (existing pool) in the front and side yards in lieu of the required rear yard, to allow an accessory building (existing shed) in the side yard in lieu of the required rear yard.

HEARING: Thursday, May 23, 2002 at 9:00 a.m. in Room 106, Baltimore County Office Building, 111 W Chesapeake Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G D Z
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

April 9, 2002

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-397-A
7814 Ballston Road
W/S MTA right-of-way, 159.81' E of Ballston Road
9th Election District – 4th Councilmanic District
Legal Owner: Robert O Kan

Variance to allow an accessory structure (existing pool) in the front and side yards in lieu of the required rear yard, to allow an accessory building (existing shed) in the side yard in lieu of the required rear yard.

HEARING: Thursday, May 23, 2002 at 9:00 a.m. in Room 106, Baltimore County Office Building, 111 W Chesapeake Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon GDL
Director

C: C. William Clark, Nolan Plumhoff & Williams, 502 Washington Ave, Ste 700,
Towson 21204
Robert O Kan, 1728 Ruxton Road, Towson 21204
Sean Schmidt, Hicks Engineering Co, 200 E Joppa Rd, Ste 401, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 8, 2002.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 10, 2002

C. William Clark Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue
Suite 700
Towson, MD 21204

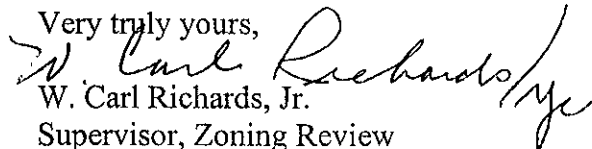
Dear Mr. Clark:

RE: Case Number 02-397 A 7814 Ballston Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 3/18/02

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc

Enclosures

c: Robert O. Kan 1728 Ruxton Road Towson, Maryland 21204
Hicks Engineering Company/Sean Schmidt 200 E. Joppa Road Towson, Maryland 21204
People's Counsel

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *res 1765*

DATE: April 30, 2002

Zoning Advisory Committee Meeting of March 25, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

378, 379, 380, 383, 384, 385, 386, 387, 389, 390, 392, 395, 396, (397), 399 >

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco
Deputy Zoning Commissioner

DATE: June 6, 2002

FROM: R. Bruce Seeley, Project Manager *RBS*
Environmental Protection and Resource Management

SUBJECT: Kan Property
PDM File # IX-686

As of this date, the unresolved issues raised at the Hearing Officer's Hearing held on May 16, 2002 are NOT RESOLVED. We recommend you schedule a Continued Hearing Officer's Hearing to discuss all outstanding comments and issues.

If you have any questions, please call me at 4488 extension 274.

C: Christine Rorke, Project Manager, PDM

Wednesday 7-3 10 AM

JUN - 6

ROOM 106

9 AM

2 hour

ALSO 02-397-A

Letter to
C. William Clark, Esq
~~Letter to~~ cc? Robert O Kan

cc: Hicks Engineering
Peggy Squitieri
Ty Ford
Braxton Mitchell

DARLENE

Schedule a continued HOH & variance for this case based on dates on back of this sheet.

Questions? see Chris



Baltimore County
Fire Department

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF March 25, 2002

Item No.: See Below

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

378, 381, 383, 386-389, 391-394, 396-400

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File
COUNTY REVIEW GROUP MEETING{PRIVATE }

County Review Group comments

Come visit the County's Website at www.co.ba.md.us



Kaw
Sepi
5/16

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: April 10, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 02-372, 02-375, 02-385, 02-386, & 02-397**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Jeffrey W. Long

AFK/LL:MAC

APR 10



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 3.26.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 397

JHP

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE
7814 Ballston Road, W/S MTA Right of Way,
159.81' E of Ballston Rd
9th Election District, 4th Councilmanic

Legal Owner: Robert O. Kan
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-397-A

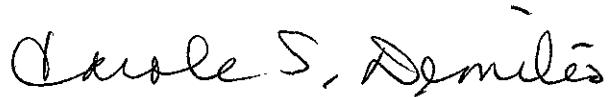
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of March, 2002 a copy of the foregoing Entry of Appearance was mailed to C. William Clark, Esq., Nolan, Plumhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioner(s).



PETER MAX ZIMMERMAN

ROBERT O. KAN, M.D.

1728 RUXTON ROAD • TOWSON, MD 21204 • TELEPHONE (410) 296-1153

4/16/02
WCR
to file
y

Sean Schmidt
Hicks Engineering
200 E. Joppa Rd #401
Towson MD 21204

April 14, 2002

RE: CASE NUMBER 02-397-A

Dear Sean:

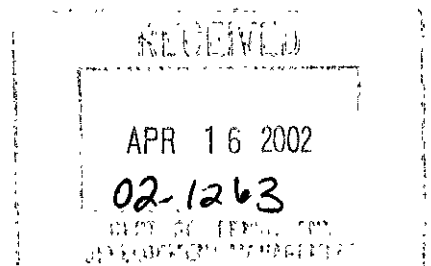
When you go to the zoning hearing please point out that the variance requested asks for the existing pool and shed to be in the side yard **only**; as the plan drawing show, the proposal does not request these structures to be in the front yard.

Sincerely,

Robert O. Kan MD

ROK

CC William Clark - Nolan, Plumhoff et al
Arnold Jablon - Baltimore County



George Zahner - Kan Property HOH and variance

From: Christine Rorke
To: Zahner, George
Date: 4/12/2002 3:01 PM
Subject: Kan Property HOH and variance
CC: zapparat2002@yahoo.com

Sweetheart -

The HOH for the Kan Property was scheduled for 2:00 on May 16. The variance 02-397A has been scheduled for May 23 at 9:00. It is early enough that the variance can be rescheduled to May 16 with the HOH. No posting or advertising should have been done yet.

I will be off on Monday, but please let me know what can be done.

Love and kisses,

Chris Rorke

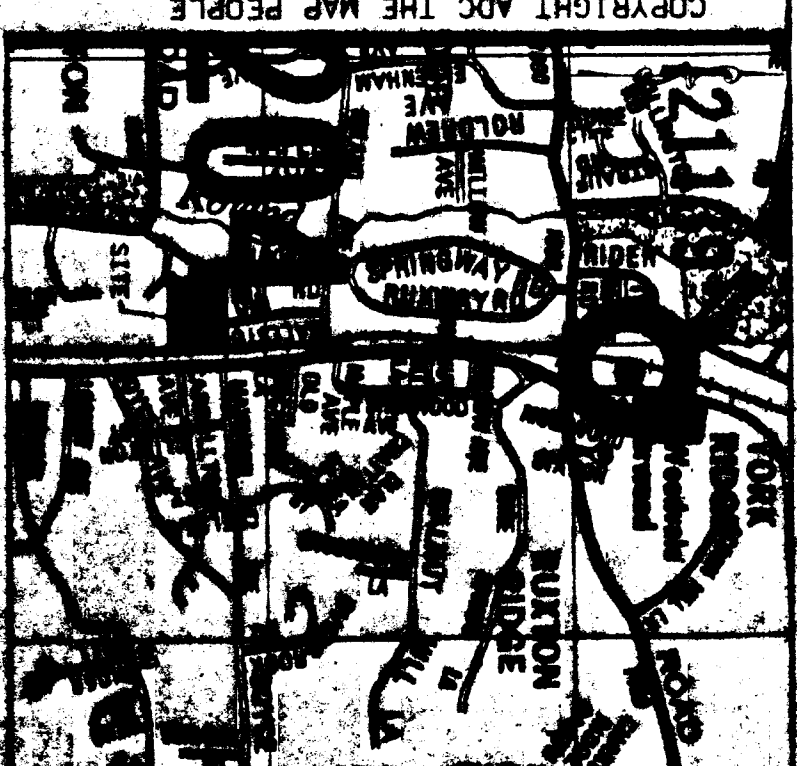
George Zahner - Kan property Variance

From: Sean Schmidt <zapparat2002@yahoo.com>
To: <GZahner@co.ba.md.us>
Date: 4/12/2002 3:19 PM
Subject: Kan property Variance

Mr. Zahner,
Per Chris Rorke's email, I would like to have the
subject property's zoning variance rescheduled for May
16th and have it coincide with the HOH for that day.
Please let me know if this is a problem.
Thanx!
Sean Schmidt
Hicks Engineering Co.
410-494-0001

=====
"Genius thrives in an air of studied chaos"
Albert Einstein

Do You Yahoo!?
Yahoo! Tax Center - online filing with TurboTax
<http://taxes.yahoo.com/>



COPYRIGHT USE NO. 20797515

SITE DATA

TOTAL SITE ACRES: 4.79 AC. PROP. LOT 4: 410.36 AC.
EX. 2: 410.36 AC. (B-2 MAP NW10-8)
EX. 1: 410.36 AC. (B-2 MAP NW10-8)
UNITS PROPOSED: 4 AC x 410.36 = 1,641.44
PARKING REQUIRED: 2 PS/UNIT x 410.36 = 820.72
AV. DIST. TO NEAREST SEWER MAIN: 100 FT.
TAX MAP 69 GRID 10 PARCEL 361
GEN. TRACT 4904
REGIONAL PLANNING DISTRICT: 214
MID-TOWNSHIP HIGH
WATERSHED: RUXTON HILL MANOR
SUB-SEWER SHED:
OPEN SPACE REQUIRED: 2,600 SF ACTIVE
OPEN SPACE PROVIDED: 1,400 SF PASSING
WATER REQUESTED AND FEE IN LIEU OF
TO BE PAID.
CONCILIATION DISTRICT: 4

GENERAL NOTES

- EXISTING TOPOGRAPHY SHOWN HEREON TAKEN FROM BALTIMORE COUNTY GIS TILE NO. 6901 AND 6902
- PROPERTY OUTLINE TAKEN FROM A PLAT DATED 2-27-99 BY BOENDER ASSOCIATES, ENTITLED "SUBDIVISION OF LOT 4, EX. 2, MAP 69, GRID 10, PARCEL 361, TOWNSHIP 214, MARYLAND" APPROVED BY BALTIMORE COUNTY 11-1-99
- SOILS TAKEN FROM BALTO. CO. SOILS MAP 348
- THERE ARE NO KNOWN WELLS, SEPTIC AREAS, CRITICAL AREAS, ANCHORED LINES, OR STRAINS IN THE SUBJECT PROPERTY.
- A VARIANCE TO STORMWATER MANAGEMENT WATER QUALITY WILL BE PROVIDED.
- THERE HAVE BEEN NO PRIOR ZONING CASES FOR THE SUBJECT PROPERTY.

REVISIONS

DATE	DESCRIPTION	BY

PROPERTY OF:
ROBERT D. KAN
(EX. LOT NO. 3 AND PROP. LOT 4)
1728 RUXTON ROAD
TOWSON, MD. 21204
TELEPHONE: 410-296-1153

HICKS ENGINEERING CO., INC.
ENGINEERS, SURVEYORS & PLANNERS
500 EAST JOPPA ROAD, SUITE 100
TOWSON, MARYLAND 21204-1001
(410) 494-0001

PROJECT TITLE:
SUBDIVISION-PROPERTY OF

ROBERT D. KAN
1728 RUXTON ROAD
TOWSON, MD. 21204

TAX MAP 69 GRID 10 PARCEL 361 LOT 4
DRAWING TITLE: 7814 BAULTON ROAD (PROPOSED LOT 4)
PLAT TO ACCOMPANY
ZONING VARIANCE REQUEST

9TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.
PDM FILE NO. 1X-686
DRAWING NO.:

JOB NO.: 20162

DRAWN BY: MEH

CHECKED BY: DEH

DATE: 3/8/2002

SCALE: 1"=40'

C-1

REASON FOR ZONING VARIANCE REQUEST (PROP. LOT 4)
VARIANCE FROM B.C.2.R. SECTION 400.1 TO ALLOW AN ACCESSORY STRUCTURE (THE EXISTING POOL) TO BE LOCATED IN THE FRONT AND SIDE YARD INSTEAD OF THE REQUIRED REAR YARD, AND TO ALLOW AN ACCESSORY BUILDING (EXISTING SHED) IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD.

"RUXTON HEIGHTS"
201/64

NOTE: LOTS 1 AND 2 ARE
RESERVED FOR
FUTURE DEVELOPMENT

PROPERTY OF
TRISTAN & MARY DAVIES
11299/344
TA #05-20300130

CARROLLTON
ROAD

PROPERTY OF
MARSHALL & MARY DAVIES
11299/344
TA #05-20300130

DR-1
DR-2
DR-3
DR-4

LOT NO. 3

PROTECTIVE COVENANTS NOTE
UPON THE CONVEYANCE OF LOT NO. 3, COVENANTS WILL BE WRITTEN INTO THE DEED THAT LOT NO. 3 WILL NOT BE DEVELOPED FOR PERPETUITY, NO VEHICULAR ACCESS FROM LOT 3 TO BAULTON ROAD WILL BE ALLOWED.

DELINQUENT ACCOUNTS NOTE:
1. ROBERT D. KAN, CERTAIN DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, PROPOSED DEVELOPMENT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

PROPERTY OF
BRAXTON D. MITCHELL
ELIZABETH B. MITCHELL
11845/233
TA #05-02345450

PROPERTY OF
ARTHUR W. GERMAN
HELEN J. GERMAN
TA #05-08650450

PROPERTY OF:
ANTHONY S. BRADON
NE 11607228
TA #05-08651480

PROPERTY OF:
RAYMOND A. RAY
L 13683, F. 712
ACCT. NO. 220002391

PROPERTY OF:
KIMBERLY S. BLAIRS
L 13683, F. 712
ACCT. NO. 220002391

PROPERTY OF:
GEORGE H. 111
L 13683, F. 712
ACCT. NO. 220002391

PROPERTY OF:
P.B. 19, PLAT 111
L 13683, F. 712
ACCT. NO. 220002391

PROPERTY OF:
KATHERINE DASHIELL
L 13683, F. 712
ACCT. NO. 220002391

PROPERTY OF:
EMERIE S. STOKES
L 13683, F. 712
ACCT. NO. 220002391

PROPERTY OF:
EMERIE S. STOKES
L 13683, F. 712
ACCT. NO. 220002391

PROPERTY OF:
EMERIE S. STOKES
L 13683, F. 712
ACCT. NO. 220002391

PROPERTY OF:
EMERIE S. STOKES
L 13683, F. 712
ACCT. NO. 220002391

PROPERTY OF:
EMERIE S. STOKES
L 13683, F. 712
ACCT. NO. 220002391

PROPERTY OF:
EMERIE S. STOKES
L 13683, F. 712
ACCT. NO. 220002391

PROPERTY OF:
EMERIE S. STOKES
L 13683, F. 712
ACCT. NO. 220002391

PROPERTY OF:
EMERIE S. STOKES
L 13683, F. 712
ACCT. NO. 220002391

PROPERTY OF:
EMERIE S. STOKES
L 13683, F. 712
ACCT. NO. 220002391

PROPERTY OF:
EMERIE S. STOKES
L 13683, F. 712
ACCT. NO. 220002391

PROPERTY OF:
EMERIE S. STOKES
L 13683, F. 712
ACCT. NO. 220002391

PROPERTY OF:
EMERIE S. STOKES
L 13683, F. 712
ACCT. NO. 220002391

PROPERTY OF:
EMERIE S. STOKES
L 13683, F. 712
ACCT. NO. 220002391

PROPERTY OF:
EMERIE S. STOKES
L 13683, F. 712
ACCT. NO. 220002391

